

# **Exhibit “2”**



Chris Cardillo <cardilloesq@gmail.com>

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**Personal and Confidential - TIME SENSITIVE LEGAL MATTER - Please Open Immediately**

1 message

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**Chris Cardillo** <cardilloesq@gmail.com>

Fri, May 25, 2018 at 2:12 PM

To: kneupper@gmail.com, Chris Cardillo <cardilloesq@gmail.com>, Jonathan Pollack <jp@morrisyorn.com>

Dear Mr. Kneupper:

Please be advised that I have been retained to represent Faleena Hopkins, and her company, in a lawsuit against yourself, Tara Crescent and Jennifer Watson.

I am filing said lawsuit (attached hereto) in the Southern District of New York at 4pm today. In addition, I will be seeking a Temporary Restraining Order in relation to your Petition of Cancellation, among other things (Order to Show Cause attached hereto).

If you would like to discuss this matter feel free to call me after 3 pm on my cell (347-309-0000) or text me your contact information and I will provide to the Court if they so require.

I remain available to discuss the case with you at anytime.

Very truly yours,  
Chris Cardillo, Esq.

—  
C. Cardillo, P.C.  
9728 3rd Avenue, Suite 308  
Brooklyn, NY 11209  
T. 646-398-5025

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**2 attachments**

 **Complaint - Verified - Final.docx**  
112K

 **OSC w TRO - Final.docx**  
24K



Chris Cardillo <cardilloesq@gmail.com>

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**Personal and Confidential - TIME SENSITIVE LEGAL MATTER - Please Open Immediately**

1 message

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**Chris Cardillo** <cardilloesq@gmail.com>  
To: taracrescent@gmail.com

Fri, May 25, 2018 at 2:14 PM

Dear Ms. Crescent:

Please be advised that I have been retained to represent Faleena Hopkins, and her company, in a lawsuit against yourself, Kevin Kneupper and Jennifer Watson.

I am filing said lawsuit (attached hereto) in the Southern District of New York at 4pm today. In addition, I will be seeking a Temporary Restraining Order in relation to your illegal use of our clients' trademarks, among other things (Order to Show Cause attached hereto).

If you would like to discuss this matter feel free to call me after 3 on my cell (347-309-0000) or text me your contact information and I will provide to the Court if they so require.

I remain available to discuss the case with you at anytime.

Very truly yours,  
Chris Cardillo, Esq.

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112K

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Chris Cardillo <cardilloesq@gmail.com>

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## Hopkins v. Kneupper - Complaint, OSC for PI and TRO

1 message

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**Chris Cardillo** <cardilloesq@gmail.com>  
To: ELackman@cdas.com  
Cc: Jonathan Pollack <jp@morrisyorn.com>

Fri, May 25, 2018 at 2:16 PM

Eleanor,

I haven't seen you since the Hirschfeld case - hope all is well.

Please be advised that I have been retained to represent Faleena Hopkins, and her company, in a lawsuit against Kevin Kneupper, Tara Crescent and Jennifer Watson.

As per letter dated May 16, 2017, and addressed to Jonathan Pollack (copied on this email), it appears you are representing Tara Crescent (which I believe is an alias). As such I was wondering if you would be willing to accept service on her behalf of a Complaint and OSC involving my clients' trademarks.

Please advise so I can let the judge know later today (I plan on being in the SDNY to file the attached complaint and OSC).

Please call me on my cell (347-309-0000) if you would like to discuss.

Very truly yours,  
Chris Cardillo, Esq.

--

C. Cardillo, P.C.  
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Brooklyn, NY 11209  
T. 646-398-5025

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### 2 attachments

 **Complaint - Verified - Final.docx**  
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24K



Chris Cardillo <cardilloesq@gmail.com>

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**Automatic reply: Hopkins v. Kneupper - Complaint, OSC for PI and TRO**  
1 message

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**Eleanor M. Lackman** <ELackman@cdas.com>

To: Chris Cardillo <cardilloesq@gmail.com>

Fri, May 25, 2018 at 2:16 PM

I am attending the INTA Annual Meeting and may be delayed in responding to emails. If the matter is urgent, please call 212-974-7474 and ask for my partner Scott Sholder or my paralegal Richard Long, or ask for my assistant, Ryan Kelly. You may also send Ryan an email at rkelly@cdas.com. We will find you someone else on the team who can assist. [This is an automated reply.]



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ELEANOR M. LACKMAN  
212 974 7474 EXT 1958  
ELACKMAN@CDAS.COM

May 16, 2018

**VIA E-MAIL AND FIRST-CLASS MAIL (jp@morrisyorn.com)**

Jonathan Pollack, Esq.  
Morris, Yorn, Barnes, Levine, Krintzman, Rubenstein, Kohner & Gellman LLP  
d/b/a Hop Hop Productions Inc. c/o PSBM  
235 Park Avenue South, Ninth Floor  
New York, NY 10003

Re: Baseless Demands Regarding "Cocky" in Romance Book Titles – Cease and Desist

Dear Mr. Pollack:

We represent the Authors Guild and Romance Writers of America, and we write on behalf of their member, Tara Crescent, who (among several other romance writers) has been subject to baseless takedown notices from your client, Faleena Hopkins, regarding her claim that nobody can use the term "Cocky" as part of a title of a romance novel. Your client has caused significant business disruption to Ms. Crescent and others as a result of her baseless demands pertaining to a common pun referencing a slang word for penis, a common component – if not a character itself – in romance stories directed to a variety of audiences. Ms. Hopkins' threats are preposterous, materially damaging, and **must stop immediately**.

Your client appears to believe that if someone obtains a registration for a trademark, she can censor the market for competing romance novels that use this commonly-used term. However, others have been using "Cocky" as part of titles of romance novels since well before your client's first use. By way of example, *Cocky Bastard* was a hit before Ms. Hopkins ever used the "Cocky" term; you are likely aware from the present petition to cancel (No. 92068527) against your client that other romance writers have used the term at a time that predates your client's actual first use in September or October of 2017 (not to mention before her unsupported first use of June 2016 as a title for a series of books).<sup>1</sup> To repeat: your client cannot own exclusive trademark rights by taking a word from successful books written by other authors, and running to the U.S. Patent and Trademark Office (USPTO) to protect it. The United States, as you must know, is not a "first to file" country.

Further, as a lawyer affiliated with a law firm in Century City, the hub of the legal entertainment business, you must be familiar with cases such as *Rogers v. Grimaldi*, *Mattel v. MCA Records*, and the very recent *Empire Distribution v. Twentieth Century Fox*, where the Ninth Circuit confirmed that a literary title can

<sup>1</sup> Your client, who claims to be a writing prodigy because she sold her works to her doting parents when she was six years old, purportedly believes that she also pioneered the concept of photographing one's own models for covers. See <http://faleenahopkins.blogspot.com/2018/01/this-has-never-been-done-which-is.html>. This is also a fantasy. We also understand that your client failed to obtain permission to make commercial use from the owner of the font that Ms. Hopkins has used.



COWAN,  
DEBAETS,  
ABRAHAMS &  
SHEPPARD LLP

PAGE 2

use any name – trademark-protected or not – so long as it bears some artistic relevance to the work and is not explicitly misleading. Given the common use of the pun “cocky” in romance novels, there is artistic relevance, and there is no suggestion that Ms. Crescent’s works have anything to do with your client’s self-published novels.

Accordingly, your client’s assertion of her supposed trademark rights is in unquestionable bad faith and done solely for the purpose of suffocating the free speech of authors who have been using the term “cocky” since long before Ms. Hopkins did. This is classic unfair competition and abuse of the protections that the Lanham Act provides. Given this, we demand that your client immediately contact Amazon and any other platforms to whom your client has asserted her frivolous “cocky” trademark infringement claims, and inform those platforms that the demands were made in error and should be retracted. Furthermore, your client is warned to cease and desist from asserting demands of this nature in the future. We ask that your client provide written assurances within seven (7) business days of this letter that she will comply with the foregoing requests, and that she send us copies of her communications to Amazon and other platforms that apologize for her imprudent and improper demands.

Please be advised that my client has authorized this firm to petition to cancel your client’s trademark registrations, which are apparently based on false information. First, the series is entitled the “Cocker Brothers,” not “Cocky.” The term “Cocky” is never used by itself; the registration is a fraudulent attempt to register a phantom mark for works that are independently not protectable as titles of single works. Further, you signed, on behalf of your client, an oath when filing with the USPTO that no other party had superior rights to use the term. As explained above, that is not true, nor is the date of first use, and as you are the signatory on the application, we inform you that you and your client must retain all relevant documents pertaining to our anticipated claim for fraud on the Trademark Office and any other basis that may be asserted against you and/or your client as part of the petition. To the extent that we do not hear from you with full compliance, we shall file the petition to cancel promptly after the deadline.

The foregoing is made without prejudice to any legal or equitable claims, rights, or remedies available to Ms. Crescent, all of which are expressly reserved.

We look forward to your client’s anticipated recognition of her rights and her ensuing compliance in recognition thereof.

Sincerely yours,

Eleanor M. Lackman

cc: Authors Guild, Romance Writers of America



Chris Cardillo <cardilloesq@gmail.com>

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**Personal and Confidential - TIME SENSITIVE LEGAL MATTER - Please Open Immediately**

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**Chris Cardillo** <cardilloesq@gmail.com>

Fri, May 25, 2018 at 2:25 PM

To: info@socialbutterflypr.net, Jonathan Pollack <jp@morrisyorn.com>

Dear Sir or Madam:

This email is intended for Jennifer Watson and involves an important and time sensitive legal matter concerning Faleena Hopkins.

Please have Ms. Watson contact me office (via email) immediately.

Very truly yours,  
Chris Cardillo, Esq.

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